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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,081	01/22/2004	Vijaylaxmi Chakravarty	AUS920030847US1	6414
28722	7590	06/28/2006	EXAMINER	
BRACEWELL & PATTERSON, L.L.P. P.O. BOX 969 AUSTIN, TX 78767-0969			RAYYAN, SUSAN F	
			ART UNIT	PAPER NUMBER
			2167	
DATE MAILED: 06/28/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/763,081

Applicant(s)

CHAKRAVARTY ET AL.

Examiner

Susan F. Rayyan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-22 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication Number 2005/0071239 issued to Peter James Tormey et al ("Tormey") and US Patent Application Publication Number 2001/0054064 issued to Pallipuram V. Kannan ("Kannan").**

As per claims 1,15,22 Tormey teaches:

sending a request for a first file from a communication program (paragraph 43, lines 1-22 and paragraph 44, lines 1-2);

and in response to receipt of said first file with said background process, encapsulating said first file in a message transmission and sending said message transmission to a target address (paragraph 83).

Tormey does not explicitly teach waiting a length of time for a receipt of said first file and responsive to said length of time expiring before said receipt occurs, releasing a user interface of said communication program to request additional files while a background process waits for said first file . Kannan does teach waiting a length of time

for a receipt of said first file (paragraph 30) and responsive to said length of time expiring before said receipt occurs, releasing a user interface of said communication program to request additional files while a background process waits for said first file (paragraph 92, lines 7-12, paragraph 30) to allow the user to perform other activities will waiting for a resource to the query (paragraph 92, lines 9-11). It would have been obvious to one of ordinary skill in the art to modify Tormey with waiting a length of time for a receipt of said first file and responsive to said length of time expiring before said receipt occurs, releasing a user interface of said communication program to request additional files while a background process waits for said first file to allow the user to perform other activities will waiting for a resource to the query (paragraph 92, lines 9-11).

As per claim 2, same as claim arguments above and Tormey teaches:  
responsive to said length of time expiring before said receipt occurs, detecting whether a user prefers to continue waiting for said receipt (paragraph 68).

As per claim 3, same as claim arguments above and Tormey teaches:  
further comprising setting said length of time in response to a configuration input (paragraph 68).

As per claim 4, same as claim arguments above and Kannan teaches:  
further comprising designating an email address as said target address (paragraph 85, lines 13-10 and Figure 9).

As per claim 5, same as claim arguments above and Tormey teaches:

further comprising adjusting said length of time in response to a task priority of said communication program (paragraph 68, automated or prompted).

As per claim 6, same as claim arguments above and Tormey teaches:

wherein said sending step further comprises sending from a hypertext browser (paragraph 41).

As per claim 7, same as claim arguments above and Tormey teaches:

wherein said sending step further comprises sending a request for a first file, which is a markup language file (paragraph 42).

As per claim 8 Tormey teaches:

means for sending a request for a first file from a communication program (paragraph 43, lines 1-22 and paragraph 44, lines 1-2);

means for receiving said first file with said background process and means for encapsulating said first file in a message transmission and means for sending said message transmission to a target address (paragraphs 30, 83).

Tormey does not explicitly teach means for waiting a length of time for a receipt of said first file, means for, responsive to said length of time expiring before said receipt occurs, releasing a user interface of said communication program to request additional

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files while a background process waits for said first file. Kannan does teach means for waiting a length of time for a receipt of said first file (paragraph 30) and means for, responsive to said length of time expiring before said receipt occurs, releasing a user interface of said communication program to request additional files while a background process waits for said first file (paragraph 92, lines 7-12, paragraph 30) to allow the user to perform other activities while waiting for a resource to the query (paragraph 92, lines 9-11). It would have been obvious to one of ordinary skill in the art to modify Tormey with for waiting a length of time for a receipt of said first file, means for, responsive to said length of time expiring before said receipt occurs, releasing a user interface of said communication program to request additional files while a background process waits for said first file to allow the user to perform other activities while waiting for a resource to the query (paragraph 92, lines 9-11).

As per claim 9, same as claim arguments above and Tormey teaches:

further comprising means for, responsive to said length of time expiring before said receipt occurs, detecting whether a user prefers to continue waiting for said receipt.

As per claim 10, same as claim arguments above and Tormey teaches:

wherein said means for waiting a length of time for a receipt of said first file further comprise means for configurably fixing said length of time (paragraph 68).

As per claim 11, same as claim arguments above and Tormey teaches:

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further comprising means for designating an email address as said target address (paragraph 85, lines 13-10 and Figure 9).

As per claim 12, same as claim arguments above and Tormey teaches:  
further comprising means for comprising adjusting said length of time in response to a task priority of said communication program (paragraph 68, automated or prompted).

As per claim 13, same as claim arguments above and Tormey teaches:  
wherein said communication program is a hypertext browser (paragraph 41).

As per claim 14, same as claim arguments above and Tormey teaches:  
wherein said first file is a markup language file. (paragraph 42).

As per claim 16, same as claim arguments above and Tormey teaches:  
further comprising instructions on the computer readable medium for, responsive to said length of time expiring before said receipt occurs, detecting whether a user prefers to continue waiting for said receipt (paragraph 68).

As per claim 17, same as claim arguments above and Tormey teaches:  
wherein said instructions for waiting a length of time for a receipt of said first file further comprise instructions on the computer-readable medium for configurably fixing said length of time (paragraph 68).

As per claim 18, same as claim arguments above and Tormey teaches:  
further comprising instructions on the computer-readable medium for designating an email address as said target address (paragraph 85, lines 13-10 and Figure 9).

As per claim 19, same as claim arguments above and Tormey teaches:  
further comprising instructions on the computer-readable medium for comprising adjusting said length of time in response to a task priority of said communication program (paragraph 68, automated or prompted).

As per claim 20, same as claim arguments above and Tormey teaches:  
wherein said communication program is a hypertext browser (paragraph 41).

As per claim 21, same as claim arguments above and Tormey teaches:  
wherein said first file is a markup language file (paragraph 42).



### Contact Information


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-1675. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susan Rayyan

June 24, 2006

  
JOHN R. COTTINGHAM  
PRIMARY EXAMINER